

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:20-CV-0504-FDW-DSC

CPI SECURITY SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
VIVINT SMART HOME, INC. <i>et al.</i> ,)	
)	
Defendants.)	
)	
)	
)	

THIS MATTER is before the Court on the following motions: (1) Defendants' Motions in Limine to Exclude Out-of-Court Customer Complaints (Doc. No. 86); (2) Defendants' Motion in Limine to Exclude Vivint's Prior Lawsuits Against Competitors (Doc. No. 88); (3) Defendants' Motion in Limine to Exclude External Proceedings and Complaints to Nonparties (Doc. No. 90); (4) Defendants' Motion in Limine to Exclude Inadmissible Hearsay Related to Plaintiff's Damages Theories (Doc. No. 92); (5) Defendants' Motion in Limine to Exclude Testimony of Russell Winer Pursuant to Rule 702 (Doc. No. 94); (6) Defendants' Motion in Limine to Exclude Testimony of Russell Mangum Pursuant to Rule 702 (Doc. No. 97); and (7) Plaintiff's Motion in Limine to Exclude Irrelevant and Inflammatory Race-Related Evidence at Trial (Doc. No. 102). The Court held a hearing on the Motions on December 10, 2021, and counsel for the parties made oral argument on Defendants' Motions in Limine to Exclude Testimony of Russell Winer and Russell Mangum.

For the reasons stated in open court at the hearing, IT IS THEREFORE ORDERED that:


- 1) Defendants' Motions in Limine to Exclude Out-of-Court Customer Complaints (Doc. No. 86), Vivint's Prior Lawsuits Against Competitors (Doc. No. 88), External

Proceedings and Complaints to Nonparties (Doc. No. 90), and Inadmissible Hearsay Related to Plaintiff's Damages Theories (Doc. No. 92) are DENIED without prejudice to Defendants refiling one motion, which may be supported by one memorandum of law, not to exceed 3,000 words. Such motion and memorandum of law shall be due on Tuesday, January 18, 2022. Plaintiff's response may consist of one memorandum in opposition, not to exceed 3,000 words, which shall be due on Tuesday, January 25, 2022;

- 2) Defendants' Motion in Limine to Exclude Testimony of Russell Winer Pursuant to Rule 702 (Doc. No. 94) is DENIED;
- 3) Defendants' Motion in Limine to Exclude Testimony of Russell Mangum Pursuant to Rule 702 (Doc. No. 97) is GRANTED; and
- 4) The Court DEFERS on ruling on Plaintiff's Motion in Limine to Exclude Irrelevant and Inflammatory Race-Related Evidence at Trial (Doc. No. 102) until, at the earliest, immediately prior to trial, as a determination of the relevance of the evidence at issue in the Motion depends upon the evidence presented at trial.

IT IS SO ORDERED.

Signed: January 14, 2022


Frank D. Whitney
United States District Judge

